

E-filed 9/19/06

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Attorneys for Factory Mutual Insurance
Company and FM Global Technologies

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

LOCKHEED MARTIN
CORPORATION,

Plaintiff,

v.

RFI SUPPLY, INC., formerly known as
RFI COMMUNICATIONS &
SECURITY SYSTEMS, et al.,
Defendants.

CONSOLIDATED

Case Nos. CV-00-20002 (JF)
C-03-CV-04617 (JF)

**STIPULATION TO CONTINUE
HEARING DATE ON MOTION
TO ALTER OR AMEND
JUDGMENT AND CASE
MANAGEMENT CONFERENCE**

Old Date: September 22, 2006
New Date: November 10, 2006
Time: 10:30 a.m.
Judge: Hon. Jeremy Fogel

Complaint
Filed: December 20, 1999

Trial Date: TBA

1 WHEREAS, ETS-Lindgren L.P., successor in interest to Rantec Power
2 Systems, Inc. ("Rantec") has filed a Motion And Motion To Alter, Amend Or Modify
3 Judgment Entered In Favor Of Factory Mutual Research Corporation
4 (Frcp 59(E)) Or In The Alternative, Motion For Leave To File A Motion For
5 Reconsideration, which motion is fully briefed and set to be heard on September 22,
6 2006;
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9 WHEREAS, Factory Mutual Insurance Company ("FMIC") has filed a
10 Motion For Relief Pursuant To Rule of Civil Procedure 60(a), which motion is fully
11 briefed and set to be heard on September 22, 2006;
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13 WHEREAS, Rantec, FMIC, and FM Global Technologies, LLC (FMRC)
14 participated in a mediation on July 13-14, wherein an agreement in principal was
15 reached that, if approved by all parties, would resolve all outstanding claims between
16 them in the matters pending before this Court, as well as a matter pending in the
17 United States District Court for the District of Massachusetts;
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20 WHEREAS, the Court had scheduled a case management conference for
21 September 22, 2006;
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23 WHEREAS, the parties have agreed on the monetary consideration resulting
24 from the July 13-14 mediation and all that remains is resolution of some non-
25 monetary related language to be incorporated as part of a global settlement agreement;
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28 WHEREAS, believe that it would be prudent and expeditious to continue all

1 presently scheduled motions and the case management conference for an additional
2 period of approximately 30 days so that the parties may focus on concluding the
3 remaining issues leading to the execution of a mutually agreeable settlement
4 agreement and mutual release resolving all claims between them;
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6 WHEREAS, the Court has indicated that Rantec's motion and the case
7 management conference could be continued to November 10, 2006, at 10:30 a.m.
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9 THEREFORE, IT IS HEREBY STIPULATED by and between the parties that
10 Rantec's Motion And Motion To Alter, Amend Or Modify Judgment Entered In
11 Favor Of Factory Mutual Research Corporation and the case management conference
12 are hereby continued to Friday, November 10, 2006, at 10:30 a.m. in Courtroom No.
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16 Dated: September 14, 2006

DILLINGHAM & MURPHY, LLP

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18 By: /s/
19 EDWARD E. HARTLEY
20 Attorneys for ETS-Lindgren L.P. successor in
interest to Rantec Power Systems Inc.

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22 Dated: September 7, 2006

ROBINS, KAPLAN, MILLER & CIRESI LLP

23
24 By: /s/
25 SCOTT G. JOHNSON
26 Attorneys for Third-Party Defendants Factory
Mutual Insurance Company and Factory
27 Mutual Global Technologies
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1 **IT IS SO ORDERED.**

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3 Dated: _____ 9

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HONORABLE JEREMY FOGEL
United States District Judge